

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

BASF CORPORATION,

Plaintiff,

v.

JOHN HARRIS BODY SHOPS, LLC a/k/a
and/or d/b/a JOHN HARRIS BODY SHOP,
LLC,

Defendant.

Civil Action No. 3:22-589-JFA

**APPLICATION FOR RULE TO SHOW
CAUSE**

Defendant in the above-captioned action seeks a rule to show cause why third party The Boyd Group (U.S.) Inc. d/b/a Gerber Collision and Glass (“Boyd Group”) should not be held in contempt pursuant to Rule 45(g), FRCP. Defendant bases this application upon the affidavit of Kirby D. Shealy III, Esquire, (attached hereto as **Exhibit A**) and incorporated herein by reference. Defendant would show that it served Boyd Group with the subpoena (attached hereto as **Exhibit B**) and incorporated herein by reference by certified mail on or about October 1, 2022. After not receiving any acknowledgement of the subpoena from Boyd Group, Defendant made a second attempt at service by FedEx Overnight and achieved service on October 19, 2022. See affidavit of Monica Gende, (attached hereto as **Exhibit C**) and incorporated herein by reference. Counsel for Boyd Group contacted the undersigned by electronic mail on October 31, 2022, following which the parties spoke by telephone on November 1, 2022 to discuss the scope of the subpoena and the time Boyd Group anticipated needing to be able to provide a response. The undersigned followed up by email to Boyd Group’s counsel on November 18, 2022 and again by telephone on November 23, 2022 without response from Boyd Group.

The documents sought in Exhibit A are needed for purposes of concluding discovery in this matter, as the anticipated responsive documents will be used in the course of deposing the witnesses in this matter.

Defendant makes this application in light of the current discovery deadline in this matter, which is December 2, 2022. As indicated in the attached certificate of service, the undersigned is providing notice of the within application by serving a copy upon Jesse Schaefer, Esquire, who has identified himself to the undersigned as Boyd Group's counsel.

ADAMS AND REESE LLP

s/ Kirby D. Shealy III
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CERTIFICATE OF SERVICE

The undersigned does certify that on November 23, 2022, she did cause to have served via US mail a copy of Defendant's Application for Rule to Show Cause in the above-captioned action on the following counsel:

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Monica Gende